

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MARIETTA BRISCOE, on behalf of herself  
and others similarly situated,

Plaintiff,

v.

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, DEUTSCHE BANK  
NATIONAL TRUST COMPANY, AS  
TRUSTEE FOR NEW CENTURY NCHET  
2005-C, N.A.,

Defendants.

Case No. 08 C 1279

Judge James B. Zagel

Mag. Judge Michael T. Mason

**MOTION OF DEUTSCHE BANK NATIONAL TRUST COMPANY, IN ITS  
INDIVIDUAL CAPACITY, AND DEUTSCHE BANK NATIONAL TRUST COMPANY,  
AS TRUSTEE, TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT**

Deutsche Bank National Trust Company ("DBNTC, in its individual capacity") and Deutsche Bank National Trust Company, as trustee for New Century NCHET 2005-C, N.A. ("DBNTC, as trustee"), hereby move this Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiff's First Amended Complaint (the "FAC") with prejudice. DBNTC, in its individual capacity, and DBNTC, as trustee, submit the accompanying Memorandum in Support of their Motion to Dismiss Plaintiff's FAC.

WHEREFORE, DBNTC, in its individual capacity, and DBNTC, as trustee, respectfully request that this Court enter an Order dismissing Plaintiff's FAC with prejudice, and for any other relief that the Court deems just and proper.

Dated: August 7, 2008

Respectfully submitted,

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY and DEUTSCHE BANK  
NATIONAL TRUST COMPANY, as trustee**

By: /s/ Kevin B. Dreher

One of Their Attorneys

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Trust Company and Deutsche Bank National  
Trust Company, as trustee